

# ALSTON & BIRD LLP

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January 29, 2010

## ***VIA UPS OVERNIGHT***

Gail Mitchell, Deputy Director  
Water Protection Division  
U.S. EPA Region 4  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

**Re: October 6, 2009, Information Request – Section 308 of the Clean  
Water Act - Dalton Utilities Land Application System**

Dear Ms. Mitchell:

Enclosed with this letter is information from Dalton Utilities in response to EPA's October 6, 2009, Section 308 of the Clean Water Act request (the "Request") addressed to Mr. Don Cope, President and CEO of Dalton Utilities. The enclosure is a letter dated January 27, 2009, with a certification signed pursuant to the Request and information responsive to Paragraph 9 of Enclosure A, **Monthly Progress Report**.

Please contact me if have any questions regarding the information supplied pursuant to the Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. DeHihns, III", with a stylized flourish at the end.

Lee A. DeHihns, III

LAD:gba  
Enclosure

LEGAL02/31578197v9



January 27, 2010

Ms. Gail Mitchell, Deputy Director  
Clean Water Enforcement Branch  
Water Protection Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

Re: Information Request Pursuant to Section 308 of the Clean Water Act  
Monthly Progress Report

Dear Ms. Mitchell,

In accordance with the Information Request pursuant to Section 308 of the Clean Water Act dated October 6, 2009, Dalton Utilities is submitting this Monthly Progress Report to you.

Dalton Utilities submitted the Drinking Water Well Survey (Drinking Water Report), Drinking Water Well Monitoring Report, Composted Biosolids Monitoring Plan, Compost Use Review Report, and Well Construction Records on November 4, November 5, November 2, November 2, and October 23, 2009, respectively, in response to the aforementioned Information Request. Additionally, Dalton Utilities submitted revised versions of these documents on January 13, 2010, in accordance with comments from the United States Environmental Protection Agency (EPA) dated December 22, 2009.

As previously reported to you, Dalton Utilities has instituted the required quarterly sampling of the seven locations shown to have levels of PFOA or PFOS above the contract laboratory's reporting limit or level of quantification and below the published public health advisory level as well as the two additional locations found to have levels of Perfluorinated chemicals (PFC) other than PFOA or PFOS above the contract laboratory's reporting limit or level of quantification. Dalton Utilities has received preliminary results of these sampling events which are consistent with the previously submitted results. Currently, Dalton Utilities is awaiting the final analytical reports for these sampling events and will submit said reports to EPA per the aforementioned Information Request and Monitoring Report. These locations are scheduled to be sampled again in February 2010.

In accordance with the Composted Biosolids Monitoring Plan, samples were collected of the three batches of compost aged approximately 6, 12, and 18 months at the time of the August 5, 2009, correspondence to Mr. Hom in October 2009. This sampling is scheduled to be repeated in February 2010 which is consistent with the four month interval stipulated in the aforementioned Information Request and Monitoring Plan.

Additionally, samples of the locations stipulated in the aforementioned Information Request's Enclosure A, Paragraph 5 were collected as required for the first two quarters and submitted to a contract lab for analysis. These locations are scheduled to be sampled for the final quarterly sample in April 2010. Currently, Dalton Utilities is awaiting the results of these sampling events and will submit all final analytical reports received from the contract laboratory to EPA which includes the respective chain of custody, analytical results, quality assurance performance results, laboratory detection and reporting limitations, and laboratory methods utilized in analyzing said samples

Dalton Utilities has completed the bench scale testing of thermal desorption of PFCs from the 6, 12, and 18 month old compost. In addition, Dalton Utilities has completed the full-scale field test which started in November 2009. To date, we have collected and submitted 40 samples to a contract laboratory for analysis. Once the final analyses are available, Dalton Utilities will report the results of the testing to EPA.

In implementing the sampling of locations where the finished compost was applied as a soil amendment and private drinking water wells in the immediate vicinity of this application, if any, in accordance with the Compost Use Review Report, Dalton Utilities had difficulty in locating proper contact information for a few locations or individuals. As such, Dalton Utilities contacted the next highest volume recipient for which we had accurate contact information. The revised list of locations that were sampled is attached herein as Attachment A. To date, Dalton Utilities has sampled all 22 locations listed in Attachment A where the compost was utilized as a soil amendment and the six private drinking water wells in the immediate vicinity of this application as indicated in the attachment. Further, Dalton Utilities has submitted to EPA all the final analytical reports received to date for these sampling events and will submit any additional final analytical reports to EPA as required after receipt.

Additionally, as noted in our correspondence to Mr. Hom dated October 20, 2009, Dalton Utilities has partnered with the Sustainability Division of the Georgia Department of Natural Resources (DNR) and the University of Georgia (UGA) to conduct a survey to evaluate the current usage and potential levels of PFCs in the industrial discharges into our wastewater collection system. Currently, the sampling as part of this partnership is underway and, due to holiday schedules, will be completed in early February 2010. To date, 46 locations have been sampled and the samples submitted to a contract laboratory for analysis.

Further, as noted in our December 23, 2009, correspondence, Dalton Utilities has coordinated with the Georgia DNR and the United States Department of Agriculture Wildlife Services (USDA WS) to obtain and analyze blood and tissue samples of the

wildlife on Dalton Utilities Land Application System (LAS). In accordance with this plan, the deer sampling occurred on October 2 - 3, 2009, and the turkey sampling occurred on December 16, 2009. The results for the deer serum, muscle, and liver sampling were submitted to you on December 23, 2009, and Dalton Utilities is currently awaiting the analytical results of the turkey sampling.

Until such time that consumption guidelines are available, Dalton Utilities will not allow anyone to keep any internal organs from the wildlife obtained through the hunting operations on the Dalton Utilities LAS. The collected internal organs will be disposed of in a landfill.

As always, Dalton Utilities will update you as the projects discussed with you proceed. If you have any questions, please contact me at 706-529-1091 or [dcope@dutil.com](mailto:dcope@dutil.com).

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Sincerely,

  
Don Cope  
President & CEO

Attachment

- c: Mr. Allen Barnes, Georgia Environmental Protection Division (cover letter only)  
Dr. Marlin Gottschalk, Sustainability Division Georgia Department of Natural Resources (cover letter only)  
Dr. Bert Langley, Georgia Environmental Protection Division (cover letter only)  
Lee A. DeHihns, Esq.

<b>Compost Manifest Log - Individual Users</b>						
	On a Well for Drinking Water?	Street Address	City	State	Zip Code	Total Weight (lbs)
Dr Hodges	No	8843 Forced Creek Lane	Ooltewah	TN	37363	430,000
Rod Hensley	Yes	1727 Dennis Mill Road	Chatsworth	GA	30705	324,000
Johnny Davenport	No	3451 Cleveland Hwy	Dalton	GA	30721	267,000
James Wilson	No	Dawnville Road	Dalton	GA	30721	126,000
William Earley	No	55 South Lake Dr.	Chatsworth	GA	30705	125,800
Lori McDaniel	No	1975 Highway 52E	Chatsworth	GA	30705	100,000
Larry Patton	No	428 Lock N Dam	Jasper	GA	30143	50,750
Jeremy Peden	No	34 Stone Brook Path	Chatsworth	GA	30705	48,500
Mickey Sisk	No	484 McCamy Rd	Chatsworth	GA	30705	42,500
John Burgess	No	624 Pin Oak Dr.	Dalton	GA	30721	40,500
Jeff McNeely	No	3158 Morris Rd.	Rocky Face	GA	30740	20,000
Terry Earley	Yes	1095 Houston Valley Rd.	Rocky Face	GA	30740	14,750
Carl Mashburn	Yes	1018 Country Road 50	Athens	TN	37303	>10,000
Chad Garrison	No	1549 Dawnville Road	Dalton	GA	30721	10,000
Chris Owens	No	396 Dr Johnson Rd.	Crandall	GA	30711	9,060
Donald Akers	No	4068 Keith Valley Rd.	Cohutta	GA	30710	7,200
Darryl Williams	No	580 Reed Rd.	Dalton	GA	30720	5,500
Jason Coleman	No	162 Ladd Springs Rd.	Cleveland	TN	37323	5,000
Ken Finch	No	2417 Shahan Dr.	Dalton	GA	30720	4,500
Joe Woody	Yes	454 Jim Petty Rd.	Crandall	GA	30711	1,000
Robert Ledford	Yes	208 Mountain Trail	Lafayette	GA	30728	1,000
Gary Hill	Yes	1723 Pleasant Hill Road	Ranger	GA	30734	500